

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4951 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

PURSHOTTAM A SHAH

Versus

STATE OF GUJARAT

Appearance:

MR SM MAZGAONKER for Petitioners

MR DP JOSHI for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/09/97

ORAL JUDGMENT

#. The petitioners, retired Government servants of this State, filed this Special Civil Application and challenged the action of the Government in not implementing fully and correctly the Judgment of this Court in Special Civil Application No.4319 of 1981 and as modified and confirmed in Letters Patent Appeal No.280 of 1984 in regard to giving the benefits of liberalized Pension and Death Cum Retirement Gratuity Schemes to the petitioners and other Government servants who had retired prior to the cut off dates laid down under the Resolution

dated 29th October 1975.

#. However, Mr.S.M.Mazgaonker, learned counsel for the petitioners made a statement before this Court that in view of the later decision of the Hon'ble Supreme Court this grievance made by petitioners does not survive and as such he does not press the same in this petition. Similarly, the second prayer also, in view of the aforesaid statement made by learned counsel for the petitioners, does not survive. So the substantial grievance with which the petitioners have come up before this Court now no more survives in view of the decision of the Apex Court as stated by the counsel for the petitioners.

#. However, other contention raised by learned counsel for the petitioner is that as per the Government Resolution dated 20th March 1986, a provision has been made that in case where a pensioner claims that he has rendered more than 30 years' service, then he has to give necessary details and affidavit for that and then if it found to be correct, the disbursing authority will make payments as admissible, but it appears that despite of this specific Resolution of the Government, and the request of the applicants, that exercise has not been undertaken by respondents. So far as this grievance is concerned, Mr.D.P.Joshi, learned counsel for respondents very fairly submitted that the petitioners may make fresh application in this respect, duly supported by documentary evidence for their claim and if such an application is made, the respondents shall consider the same and whatever entitlement of the petitioners or any of the petitioners if accepted, then all consequential benefits shall be given to them or any of them, as the case may be. In view of this statement, the learned counsel for the petitioners submits that this Court may give a time bound programme, otherwise the respondents may not decide this claim of the petitioners.

#. In view of the facts aforesaid, interest of justice will be met in case this Special Civil Application is disposed of with direction that the petitioners or any of the petitioners may make their claim as per the Resolution of the Government date 20th March 1986, within a period of one month from the date of receipt of copy of this order, and on such application/s being made, the same may be considered by concerned respondent in accordance with the provisions of the Resolution and law and finally dispose of the same within four months. However, in case the petitioner who made representations aforesaid is found entitled for any benefit whatsoever, then the same shall be given to the concerned petitioner

within a period of two months next. In case where the claim of petitioners or any of them is not acceptable, a reasoned order may be passed and a copy of the same may be sent to the concerned persons. The Special Civil Application and Rule stand disposed of in aforesaid terms. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

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(sunil)